

### **REMARKS**

The Final Office Action mailed April 3, 2008 considered claims 23-36. Claims 23-29, 33, 35, and 36 were rejected under 35 U.S.C. 102(b) as being anticipated by *Boye et al.* (US 7,278,098) hereinafter *Boye*.<sup>1</sup>

By this paper, claims 23, 28-30, 32, 35, and 36 have been amended, claims 27 and 31 have been cancelled, such that claims 23-26, 28-30, and 32-37 remain pending in the application, of which only claims 23, 35, and 36 are independent claims.

The most recent Office Action objected to claims 30, 31, and 34 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 23 is a method claim that has been amended to incorporate the allowable subject matter of claims 31, including the subject matter of claim 27. Claim 35 is a computer program product claim with elements corresponding to the elements of claims 31, and has been amended to include the patentable subject matter of claim 30, including the subject matter of claim 27. Claim 36 is a system claim with elements corresponding to the elements of claims 31, and has been amended to include the patentable subject matter of claim 34, including the subject matter of claim 33. As such, the claims should be in condition for allowance.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner

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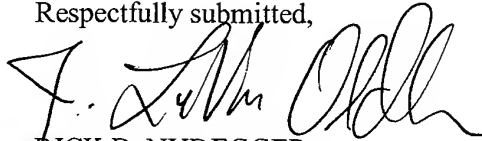
<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 2<sup>nd</sup> day of June, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. D. Nydegger", written over the typed name.

RICK D. NYDEGGER  
Registration No. 28,651  
J. LAVAR OLDHAM  
Registration No. 53,409  
Attorneys for Applicant  
Customer No. 47973

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